IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 4219 of 2005(B)

PETITIONER:

MANOJ. N., S/O.KRISHNAN NAIR,
NADUVILEDATH HOUSE, KUNNATHARA,
KOYILANDY P.O., KOZHIKOE DISTRICT-673 327.

BY ADV. SRI.P.N.RAVINDRAN.

RESPONDENTS:

1. **NATIONAL AIDS CONTROL ORGANISATION,**
   MINISTRY OF HEALTH & FAMILY WELFARE,
   GOVERNMENT OF INDIA, NEW DELHI.
   REP. BY ITS DIRECTOR.

2. **KERALA STATE AIDS CONTROL SOCEITY,**
   GOVERNMENT OF KERALA, RED CROSS ROAD,
   THIRUVANANTHAPURAM, PIN-695 035.
   REP. BY ITS PROJECT DIRECTOR.

3. **THE ADDITIONAL PROJECT DIRECTOR,**
   KERALA STATE AIDS CONTROL SOCIETY,
   GOVERNMENT OF KERALA, RED CROSS ROAD,
   THIRUVANANTHAPURAM, PIN-695 035.

4. **THE SUPERINTENDENT,**
   DISTRICT HEADQUARTERS HOSPITAL, KANNUR.

R1 TO R3 BY SRI.JAYAPRADEEP. V., ADDL.CGSC.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PROVISIONAL DEGREE CERTIFICATE DTD.23/11/2001 ISSUED TO THE PETITIONER BY THE UNIVERSITY OF CALICUT.

EXT.P.2: COPY OF THE CERTIFICATE DTD. 21/10/1998 ISSUED TO THE PETITIONER BY THE MAHATMA GANDHI UNIVERSITY.

EXT.P.3: COPY OF THE COURSE COMPLETION CERTIFICATE DTD. 16/12/2004 ISSUED TO THE PETITIONER BY THE MADURAI KAMARAJ UNIVERSITY.

EXT.P.4: COPY OF THE CERTIFICATE DTD. 19/06/2002 ISSUED TO THE PETITIONER BY THE MANUSHA SCHOOL OF SOCIAL RESEARCH & HUMAN RESOURCE DEVELOPMENT, CALICUT.

EXT.P.5: COPY OF THE LETTER OF INTRODUCTION DTD. 10/07/2002 ISSUED BY THE R.3.

EXT.P.6: COPY OF THE LETTER DTD. 26/06/2003 SENT TO THE PETITIONER BY THE PROJECT DIRECTOR, KERALA STATE AIDS CONTROL SOCIETY.

EXT.P.7: COPY OF THE NOTICE PUBLISHED IN THE MATHRUBHOOMI DAILY, CALICUT EDITION DTD. 06/07/2003.

EXT.P.8: COPY OF THE CERTIFICATE DTD. 01/11/2003 ISSUED TO THE PETITIONER BY THE ADDITIONAL PROJECT DIRECTOR, KERALA STATE AIDS CONTROL SOCIETY.

EXT.P.9: COPY OF THE ORDER OF APPOINTMENT DTD. 11/12/2003 ISSUED BY THE PROJECT DIRECTOR, KERALA STATE AIDS CONTROL SOCIETY.

EXT.P.10: COPY OF THE ORDER DTD. 06/02/2004 ISSUED BY THE PROJECT DIRECTOR, KERALA STATE AIDS CONTROL SOCIETY.

EXT.P.11: COPY OF THE CERTIFICATE DTD. NIL ISSUED TO THE PETITIONER BY THE PROJECT DIRECTOR, KERALA STATE AIDS CONTROL SOCIETY.

EXT.P.12: COPY OF THE LETTER DTD. 28/10/2004 SENT BY THE ADDITIONAL PROJECT DIRECTOR, KERALA STATE AIDS CONTROL SOCIETY TO THE MEDICAL OFFICERS IN CHARGE OF VCTCs.

RESPONDENT'S EXHIBITS: **NIL.**

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

Writ Petition (C) No.4219 of 2005-B

Judgment

The petitioner was a Counsellor, appointed on contract basis under the Kerala State AIDS Control Society. He was selected and appointed, pursuant to Ext.P7 notification. The qualifications prescribed for the said post were MA Sociology/MA Psychology/MSW. Later, Ext.P12 order was issued providing for renewal of engagement of the existing contract employees, but the prescribed qualification was modified. MA Sociology qualification was dropped and at present, Post-graduate Degree in Psychology or MSW is insisted. The petitioner is challenging the said modification of qualification in this Writ Petition.

2. Respondents 1 to 3 have filed a counter affidavit. According to them, the Central Government have revised the qualifications for Counsellors and in the revised qualifications, MA Sociology is not included. The respondents submit, they are bound to follow the prescription of qualifications made by the Central Government.

3. What should be the qualification for a particular post, is for the employer to decide. A candidate cannot insist that his qualification should also be included among the prescribed qualifications on the ground that at some point of time, the said qualification was also treated as sufficient for appointment. In view of the said position, this Court is not justified in interfering with the exclusion of MA Sociology qualification for the post of Counsellor in the AIDS Control Society. Accordingly, the Writ Petition fails and it is dismissed.

10.12.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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